IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.7373/06
Hanuman Sahay Sharma
Vs.
State of Raj. & Ors.

15.5.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Sudesh Bansal for petitioner.

Heard learned counsel for the petitioner.

The petitioner has challenged the order dated 27.5.06 by which the Additional Collector, Jaipur in the revision petition filed by the respondent no.4 to 6 has set aside the patta dated 6.9.2007 issued by the Gram Panchayat. The learned Additional Collector in his order has observed that the originally the father of the petitioner Shri

Bhairuram had on 10.4.1966 applied for allotment of the very land which was inspected by the Panchas of the Gram Panchayat on 1.8.1968 and report of which was submitted on 17.8.1968 and the matter remained pending and thereafter proceedings were drawn on 11th July, 1985 wherein it was directed that the site should be inspected again. The matter was then placed before the Gram Panchayat on 20.12.1992 and thereafter on 23.12.1992 and finally the order was passed on 20.1.1993 in which it was mentioned that the patta shall be issued only after the civil suit pending in the Court was withdrawn by the applicant. It was thereafter that the petitioner filed an application on 28.11.01 for revival of the same proceedings on the basis that

the original applicant Bhairuram, the father of the petitioner has expired and therefore the patta should now be issued in his name. Petitioner gave another application on 5.2.2002 stating therein that there was no suit now pending against the Gram Panchayat and it was on that basis that the patta was issued on 6.9.2004. The learned Additional Collector has referred to Rule 161(1) of the Rajasthan Panchayti Raj Rules, 1996 which inter alia provides that no patta shall be issued in regard to a land, ownership of which is under dispute and pending consideration by any Court till a final decision taken by the competent court on such disputes.

Having carefully gone through the order passed by the learned Additional

Collector and considering the arguments of the learned counsel for the parties, I find that the learned Additional Collector has not committed any error in passing the impugned order.

The writ petition is dismissed.

(Mohammad Rafiq),J.

Rs/-